

Congress of the United States
Washington, DC 20515

0619

June 19, 2013

Mignon L. Clyburn
Acting Chairwoman, Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairwoman Clyburn:

In line with the mission of the Federal Communications Commission (FCC) to promote jobs, technological innovation, and enhance consumer privacy, we write to request clarification of the applicability of the Telephone Consumer Protection Act (“TCPA”) to predictive dialers. Specifically, we encourage the FCC to expeditiously consider the Communication Innovators (“CI”) Petition for Declaratory Ruling and issue a ruling on the merits.

Congress passed the TCPA more than twenty years ago to protect consumers against unwanted telemarketing calls and to prevent callers from endangering public safety by tying up blocks of telephone lines. Unfortunately, the FCC’s 2003 and 2008 TCPA autodialer decisions have created significant confusion for companies that use predictive dialers to initiate live calls for non-telemarketing purposes, including for a variety of communications that may not have been anticipated by the FCC. This confusion and regulatory uncertainty has resulted in a surge in TCPA class action litigation, with plaintiffs’ attorneys seeking millions of dollars from a wide array of leading, established companies.

The CI Petition for Declaratory Ruling seeks to resolve the existing confusion over the use of predictive dialers for non-telemarketing purposes. It asks the FCC to clarify, consistent with the text of the TCPA and Congressional intent, that predictive dialers which: (1) are not used for telemarketing purposes; and (2) do not have the current ability to generate and dial random or sequential numbers, are not “autodialers” under the TCPA and the FCC’s TCPA rules.

We urge the FCC to expeditiously consider this Petition and promptly issue a ruling on the merits. Thank you in advance for your time and attention to this matter. We look forward to your response.

Sincerely,



Duncan Hunter
Member of Congress



Scott Peters
Member of Congress



Juan Vargas
Member of Congress

cc:

Commissioner Jessica Rosenworcel
Commissioner Ajit Pai



FEDERAL COMMUNICATIONS COMMISSION

September 10, 2013

Mignon L. Clyburn
Acting Chairwoman

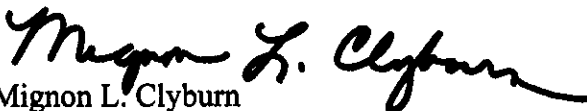
The Honorable Duncan Hunter
U.S. House of Representatives
223 Cannon House Office Building
Washington, DC 20515

Dear Congressman Hunter:

Thank you for your letter regarding Communication Innovators' Petition for Declaratory Ruling. I appreciate your interest in this matter and am pleased to provide the enclosed letter on this issue from the Acting Chief of the FCC's Consumer and Governmental Affairs Bureau.

If you have any additional questions or need any further assistance, please do not hesitate to contact me.

Sincerely,


Mignon L. Clyburn

Enclosure



Federal Communications Commission
Washington, D.C. 20554

Control No. 1300619

September 10, 2013

The Honorable Duncan Hunter
U.S. House of Representatives
223 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Hunter:

Thank you for your letter regarding the Petition for Declaratory Ruling filed with the Federal Communications Commission (Commission) by Communication Innovators on June 7, 2012. The Petition seeks clarification that predictive dialers that are not used for marketing purposes and that do not have the current ability to generate and dial random or sequential numbers do not fall within the definition of "automatic telephone dialing system" as used in the Telephone Consumer Protection Act (TCPA), which is codified as 47 U.S.C. § 227. In your letter, you encourage the Commission to consider the Petition and issue a ruling on the merits.

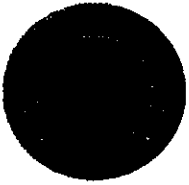
A draft order to resolve the Petition is under consideration by the Commission, and Communication Innovators has met with the staff recently to discuss the matter. We take seriously the issues raised in the Petition and the potential impact on consumers, and expect the Commission to resolve it soon.

I appreciate your interest in this important matter. Should you have additional questions or concerns, please do not hesitate to contact me.

Sincerely,

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Kris Anne Monteith
Acting Chief
Consumer and Governmental Affairs Bureau



FEDERAL COMMUNICATIONS COMMISSION

September 10, 2013

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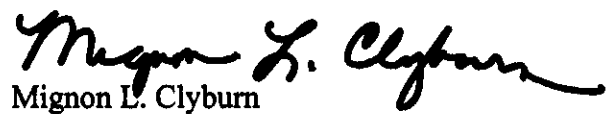
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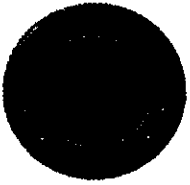
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Kris Anne Monteith
Acting Chief
Consumer and Governmental Affairs Bureau



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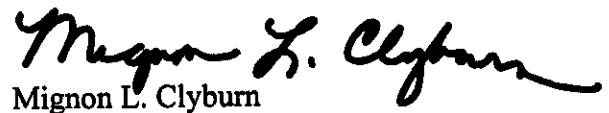
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Washington, DC 20515

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